IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 1833 of 2007(R)

PETITIONER:

THE MANAGER,
MOUNT TABOR TRAINING COLLEGE,
PATHANAMTHITTA.

BY ADV. SRI.BABU VARGHESE
SRI.MANJU ANTONEY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, P.M.G.JUNCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOLLAM.

4. THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
PALAYAM, TRIVANDRUM.

5. NATIONAL COUNCIL OF TEACHER EDUCATION,
REPRESENTED BY ITS SECRETARY,
SOUTHERN REGION, 1ST FLOOR, C.S.D.BUILDING,
HMT POST, BANGALORE.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.V.M.KURIAN, SC, SRC-NCTE
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.1833/2007)

EXT.P1: TRUE COPY OF ORDER DT. 13/3/1995.

EXT.P1(A): TRUE COPY OF ORDER ISSUED BY NCTE DT. 20/5/2005.

EXT.P2: TRUE COPY OF ORDER DT. 2/11/2005

EXT.P2(A): TRUE COPY OF REPLY DT. 16/11/2005.

EXT.P2(B): TRUE COPY OF PERMANENT TEACHING FACULTY OF THE COLLEGE

EXT.P3: TRUE COPY OF REPRESENTATION DT. 12/12/2005.

EXT.P3(A): TRUE COPY OF REPRESENTATION DT. 12/12/2005.

EXT.P4: TRUE COPY OF LETTER DT. 3/2/2006.

EXT.P5: TRUE COPOY OF REPRESENTATION DT. 27/2/2006.

EXT.P6: TRUE COPY OF RELEVANT PAGES OF PROSPECTUS FOR 2005.

EXT.P6(A): TRUE COPY OF PROSPECTUS FOR 2006.

EXT.P7: TRUE COPOY OF LETTER DT. 24/12/2005.

EXT.P7(A): TRUE COPY OF LETTER DT. 25/2/2006.

EXT.P8: TRUE COOPY OF JUDGMENT IN WP.15416/06.

EXT.P8(A): TRUE COPY FO FORWARDING LETTER DT. 17/7/2006.

EXT.P8(B): TRUE COOPY OF ACKNOWLEDGEMENT CARD.EXT.P9: TRUE COPY OF JUDGMENT IN CCC.1186/06.

EXT.P10: TRUE COPY OF NOTE OF ARGUMENTS DT. 17/10/2006.

EXT.P11: TRUE COPY OF ORDER DT. 26/12/2006.

EXT.P12: TRUE COPY OF NOMINAL ROLL

EXT.P12(A): DO.

A.K. Basheer, J.

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W.P(C) No. 1833 of 2007

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Dated this the 4th day of July, 2007.

J U D G M E N T

Petitioner is the Manager of an aided Training College. Grievance of the petitioner is that the Government is refusing to sanction requisite number of teaching staff in the institution, in spite of the fact that the student strength in the institution is 220 for the current academic year as revealed from Exts.P1 and P1(a) as well as the Prospectus for admission to the course 2007 published by the office of the Commissioner for Entrance Examination .

2. It is contended by the petitioner that the institution is entitled to appoint 17 teachers applying the relevant teacher-student ratio. A perusal of Ext.P1 shows that the University of Kerala had considered the recommendation of the Standing Committee, report of the Inspection Commission as well as the facilities available in the institution while holding that petitioner's institution is entitled to increase the student strength to 220 with effect from 1995-96 academic year. Ext.P1(a) is the order passed by the National Council for Teacher Education in May 2005. The said order gave sanction for intake of 220 students for the academic year 2005-06. This sanction was accorded on the basis of a performance appraisal report. A perusal of Annexure 1 of the prospectus published by the Commissioner for Entrance Examination in the State shows

that petitioner's institution has been allowed to admit 220 students.

3. In the counter affidavit however the stand taken by respondent No.1 is totally evasive and vague. Respondent No.1 does not have a case that the petitioner is not entitled to admit 220 students. But the contention appears to be that the mere fact that the petitioner is entitled to admit 220 students does not mean that he is entitled to have staff strength in proportion to the intake of students. I am unable to comprehend the rationale behind the said contention. As noticed already, the competent authorities have found that petitioner is entitled to admit 220 students.

4. The Government has also admitted students in petitioner's institution from the merit list prepared on the basis of the Common Entrance Examination, accepting 220 as the student strength in the said institution. If that be the position, there is no justification on the part of the respondents in refusing to sanction sufficient staff strength in the institution.

In the above facts and circumstances the writ petition is allowed. It is declared that petitioner is entitled to have 17 teachers in consonance with the norms formulated by the NCTE. Appropriate orders in this regard shall be passed by respondent No.1 within one month from the date of receipt of a copy of this judgment in accordance with law.

A.K. Basheer

Judge.

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